

BILL NO. S-67-09- //

SPECIAL ORDINANCE NO. S-- 534-67

AN ORDINANCE approving a Sewer Agreement between JACKSON'S REALTY & BLDG. CO. and the CITY OF FORT WAYNE, INDIANA, for construction of sanitary sewer for Jackson's Fort Wayne Apartments, Phase I, on the Paulding Road.

WHEREAS, on the 29th day of August, 1967, the City of Fort Wayne, by and through its Mayor and the Board of Public Works, entered into an agreement with Jackson's Realty & Bldg. Co., an Indiana Corporation, hereinafter referred to as Developer, concerning the construction of a sanitary sewer to service real estate owned by Developer, in accordance with the plans, specifications and profiles submitted to the City and now on file in the office of the Chief Engineer of the Sewer Utilities of the City of Fort Wayne, and are incorporated herein by reference and made part hereof, which sewer will serve not only land in which the Developer has an interest but also adjoining land areas;

WHEREAS, the Developer agrees to pay the entire costs and expense of construction of said sewer, in cash, including City engineering and inspection fees, and to hold the City harmless from any liability for claims connected therewith;

WHEREAS, said sewer when accepted by the City will initially serve the following described real estate of the Developer, to-wit:

Phase I - The East 431.0 feet of the North 842.0 feet of the Northwest quarter of the Northeast quarter of Section 30, Township 30 North, Range 13 East, Fort Wayne, Allen County, Indiana. Containing 8.33 acres of land more or less, subject to grants of easement and rightaways over and across the North 40 feet thereof for Paulding Rd.

WHEREAS, the Developer, for itself, its successors in title, and assigns, waives and releases any and all rights which it may now or hereafter have to remonstrate against or otherwise object to, interfere with or oppose any pending or future annexation by City of any territory now or hereafter owned by it as described above, or hereafter served by said sewer or any extension thereof.

Any owner or owners of land which is now or hereafter located outside the corporate limits of City who connect into the sewer constructed hereunder shall be deemed to thereby waive his, her, their or its rights to remonstrate against or otherwise object to, interfere with or oppose any pending or future annexation by City of such land or of the territory in which it is located or of the area served by said sewer.

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

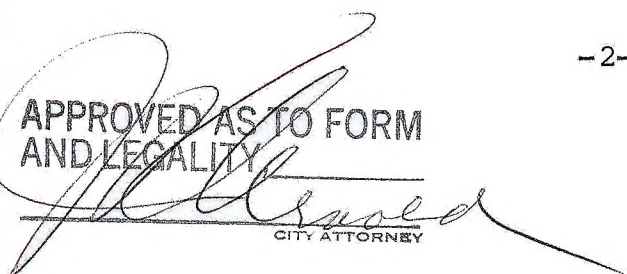
SECTION 1. The Agreement between the City of Fort Wayne and Jackson's Realty & Bldg. Co., concerning the construction of a sanitary sewer for Jackson's Fort Wayne Apartments, Phase I, on the Paulding Road, which is on file in the office of the Board of Public Works, and is by reference made part hereof, is hereby ratified, confirmed and approved, and the construction of said sewer in accordance therewith is hereby approved.

SECTION 2. This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.



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APPROVED AS TO FORM
AND LEGALITY


CITY ATTORNEY

Bill No. S-67-09--11

REPORT OF THE COMMITTEE ON CITY UTILITIES

We, your Committee on City Utilities to whom was referred an Ordinance
approving a Sewer Agreement between JACKSON'S REALTY & BLDG. CO. and the CITY OF
FORT WAYNE, INDIANA, for construction of sanitary sewer for Jackson's Fort Wayne
Apartments, Phase I, on the Paulding Road,

have had said Ordinance under consideration and beg leave to report back to the Common
Council that said Ordinance DO PASS.

JACK K. DUNIFON, Chairman'

JOHN H. ROBINSON, Vice-Chairman

JOHN NUCKOLS

WILLIAM T. HINGA

HERBERT G. TIPTON.

Jack K. Dunifon
John H. Robinson
John Nuckols
William T. Hinga
Herbert G. Tipton

CONCURRED IN

DATE 9-26-67 FUAD G. BONAHOOM, CITY CLERK

Read the first time in full and on motion by Dunifon seconded by Buchanan and duly adopted, read the second time by title and referred to the (Committee on) City Utilities (and to the City Plan Commission for recommendation) (and Public Hearing to be held after due legal notice, at the Council Chambers, City Hall, Fort Wayne, Indiana, on the _____ day of _____, 1967, at _____ o'clock P.M., E.S.T.)

Date: 9-12-67 Thad H. Bonahoom
CITY CLERK

Read the third time in full and on motion by Dunifon seconded by Wiegman and duly adopted, placed on its passage.

Passed (~~Def~~) by the following vote:

AYES	<u>9</u>	NAYS	<u>0</u>	ABSTAINED	<u> </u>	ABSENT	<u> </u>	to-wit:
Buchanan	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	
Dunifon	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	
Fay	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	
Hinga	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	
Nuckols	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	
Robinson	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	
Rousseau	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	
Steigerwald	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	
Tipton	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	

Date 9-26-67 Thad H. Bonahoom
CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (~~Zoning Map~~)(~~General~~)(~~Annexation~~)(~~Special~~)(~~Appropriation~~) Ordinance (Resolution) No. 5-534-67 on the 26th day of Sept., 1967.

ATTEST: (SEAL) Thad H. Bonahoom CITY CLERK Edwin J. Karsner PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 27th day of Sept., 1967 at the hour of 10:00 o'clock A.M., E.S.T. Thad H. Bonahoom CITY CLERK

Approved and signed by me this 27th day of September, 1967, at the hour of 10:25 o'clock A.M., E.S.T. Harold S. Zeis MAYOR